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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,296	02/10/2004	Thomas A. Gault	GP-304438/GP-304379 (2760)	1150
7590 03/09/2007 General Motors Corporation Mail Code 482-C23-B21 300 Renaissance Center P.O. Box 300 Detroit, MI 48265-3000			EXAMINER YOUNG, JANELLE N	
			ART UNIT	PAPER NUMBER
			2618	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/09/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/775,296

Applicant(s)

GAULT ET AL.

Examiner

Janelle N. Young

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 3 & 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter ["three failures"] which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification only mentions a predetermined number of failure; which the examiner has interpreted to read on claimed three failures, to establish a connection; which is interpreted as an authenticated communication channel, the predetermined could be any number, it does not specify "three failures". Examiner is also unable to identify what has "the [ ] at least one failure comprises three failures," the examiner will interpret the missing part to be the authenticated communication channel from mobile to call center is not established and has failed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-9, 11-14, & 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzara (US Pub 2003/008/7642) and further in view of Van Bosh (US Pat 6493629).

As for claim 1, Mazzara teaches a method of verifying a mobile vehicle equipped with suitable hardware and software for transmitting and receiving voice and data communications; which reads on claimed telematics unit (Abstract; Page 1, Para 0010-0011; and Page 5, Para 0048-0051 of Mazzara), the method comprising:

initiating a cleared number voice call from a telematics unit to a call center based on a failed transmission condition & establishing a cleared number voice call communication channel between the telematics unit and the call center; and (Page 1, Para 0013, 0017, 0027-0028; Page 3, Para 0038; and Page 6, Para 0058, 0063, & 0066 of Mazzara).

What Mazzara does not specifically teach is the telematics unit in the vehicle will automatically contact a public safety answering point (PSAP) and/or a call center for a service associated with the telematics unit.

However, Van Bosh teaches a method for establishing a cleared number voice call communication channel between the telematics unit and the call center (a voice call is then coupled to the originating WLAN device via a termination WLAN device for example the wireless device communicating with the PSAP and/or a call center (Col. 1, lines 13-43; Col. 3, lines 21-35; Col. 4 lines 6-54; and Col. 7, lines 16-25 of Van Bosh).

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow verbal communication between a user and a call center as taught by Van Bosh in the method of Mazzara, in order to successfully provide a service even if there is a communication failure. Therefore, if the activation process fails, the vehicle communication unit may give a failure message. The vender may call the call center directly from the vehicle communications unit. The call may be initiated, for example, by activating a key on the vehicle communication unit that is dedicated to calling the call center. The call may be initiated, for example, by a voice-recognition function. If the activation from the vehicle fails, the vendor may call for technical assistance from the call center. The call center may process the activation and provisioning of the vehicle communication units in the best possible manner. The user may call into the call center, for example, via another mobile phone unit to receive the new phone number. The user may then install the new phone number via a voice-recognition routine, to of enable communication between a mobile vehicle and a call center during a failed transmission condition comprising receiving, at the telematics unit, at least one vehicle data request from the call center via the established communication channel; and verbally communicating the requested vehicle data, in response to the at least one vehicle data request, from the telematics unit to the call center via the established communication channel," (abstract, paragraphs 0041 & 0049 of Mazzara).

The motivation of this combination would be the effect the cleared number voice call communication channel between the telematics unit and the call center. The

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combination would also have been to provide a function for telematic communication that can utilize emergency communication.

As for claim 2, Mazzara teaches a method of verifying a telematics unit, wherein initiating a cleared number voice call from a telematics unit to a call center based on a failed transmission condition further comprises:

attempting to transmit at least one authenticated call from the telematics unit to the call center; recognizing at least one failure to transmit an authenticated call from the telematics unit to the call center; and transmitting the cleared number voice call from the telematics unit to the call center based on the recognized failure (Page 6, Para 0058-0066 of Mazzara).

As for claim 3, Van Bosh teaches a method of verifying a telematics unit, wherein the at least one failure comprises a predetermined number of failure; which is reads on claimed three failures (Col. 4, lines 44-61 of Van Bosh).

As for claims 5-6, Van Bosh teaches a method of verifying a telematics unit, wherein communicating at least one telematics unit identifier to the call center responsive to the initiated cleared number voice call further comprises:

initiating a verbal recording including the telematics unit identifier at the telematics unit upon establishment of the cleared number voice call communication channel; communicating the telematics unit identifier over the cleared number voice call communication channel wherein the call center identifies a vehicle; and is initiated periodically for communication to the call

center (Fig. 1:124; Col. 2, lines 34-63; and Col. 4, lines 23-44 in correspondence to Col. 3, lines 11-20 and Col. 4, lines 6-23 of Van Bosh).

As for claim 7, Mazzara teaches a method of verifying a telematics unit, wherein the telematics unit identifiers are selected from the group consisting of station identification number, mobile identification number, mobile dialable number, electronic serial number, vehicle location, vehicle identification number and combinations thereof (Page 3, Para 0035 & 0037; Page 4, Para 0042 & 0044; Page 5, Para 0047; and Page 6, Para 0058 of Mazzara).

Regarding claim 8, see explanation as set forth regarding claim 1 (method claim) because the claimed system for verifying a telematics unit would perform the method steps.

Regarding claim 9, see explanation as set forth regarding claim 2 (method claim) because the claimed system for verifying a telematics unit would perform the method steps.

Regarding claim 11, see explanation as set forth regarding claim 5 (method claim) because the claimed system for verifying a telematics unit would perform the method steps.

Regarding claim 12, see explanation as set forth regarding claim 1 (method claim) because the claimed computer readable medium storing a computer program for verifying a telematics unit would perform the method steps.

Regarding claim 13, see explanation as set forth regarding claim 2 (method claim) because the claimed computer readable medium storing a computer program for verifying a telematics unit would perform the method steps.

Regarding claim 14, see explanation as set forth regarding claim 3 (method claim) because the claimed computer readable medium storing a computer program for verifying a telematics unit would perform the method steps.

Regarding claims 16-17, see explanation as set forth regarding claim 5 (method claim) because the claimed computer readable medium storing a computer program for verifying a telematics unit would perform the method steps.

Regarding claim 18, see explanation as set forth regarding claim 7 (method claim) because the claimed computer readable medium storing a computer program for verifying a telematics unit would perform the method steps.

3. Claims 1-3, 5-9, 11-14, & 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzara (US Pub 2003/008/7642) and Van Bosh (US Pat 6493629) as applied to claim 1 above, and further in view of Snyder et al. (US Pub 2003/0134631).

As for claim 4, Mazzara teaches a method of verifying a telematics unit, wherein communicating at least one telematics unit identifier to the call center responsive to the initiated cleared number voice call (Page 1, Para 0013, 0017, 0027-0028; Page 3, Para 0038; and Page 6, Para 0058, 0063, & 0066 of Mazzara).



What Mazzara and Van Bosh do not specifically teach is the telematics unit in the vehicle will automatically contact a public safety answering point (PSAP) and/or a call center for a service associated with the telematics unit.

However, Snyder et al. teaches a method of verifying a telematics unit, wherein communicating at least one telematics unit identifier to the call center responsive to the initiated cleared number voice call displaying the telematics unit identifier on a display at the telematics unit; and communicating the displayed unit identifier over the cleared number voice call communication channel by the user wherein the call center identifies a vehicle (Page 2, Para 0013 & 0016 and Page 4, Para 0026 of Snyder et al.).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow user interface; such as a display screen as taught by Snyder et al. in the method of Mazzara and Van Bosh, in order to improve the ability of telematics devices; having a user interface capability, to receive location-based services, the ability to accept software applications, and network connectivity capabilities (Page 2, Para 0013 & 0016 and Page 4, Para 0026 of Snyder et al.).

The motivation of this combination would be the effect the reception of at least one vehicle data request from the call center to the telematics unit via the established communication channel. The combination would also have been to provide a function for telematic communication that can utilize emergency communication and perform various maintenance or diagnostic tasks.

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Regarding claim 10, see explanation as set forth regarding claim 4 (method claim) because the claimed system for verifying a telematics unit would perform the method steps.

Regarding claim 15, see explanation as set forth regarding claim 4 (method claim) because the claimed computer readable medium storing a computer program for verifying a telematics unit would perform the method steps.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JNY

January 22, 2007

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER